

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7871 of 2002

Between:

Kuna Raghu Naikulu Naidu, S/o. Raghuram Patro,
R/o. Penubarthi Village, Ponduru Mandal,
Srikakulam District.

..... PETITIONER

AND

- 1 The Additional Controller of Examinations, Andhra University,
Visakhapatnam.
- 2 The Registrar, Andhra University,
Visakhapatnam.
- 3 The Principal, Rajaha R.S.R.K.Ranga Rao College,
(P.G.Centre), Bobbili,
Vizianagaram District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction more particularly a Writ in the nature of Writ of Mandamus declaring the action of the respondents in debarring the petitioner upto 2002 Main/Theory examinations vide Memo dated 16-3-2002 as illegal and arbitrary and consequently QUASH the same and direct the respondents herein to permit the petitioner to write the remaining papers of 1st year course, and pass

Counsel for the Petitioner:MR.A.RAVI SHANKAR

Counsel for the Respondent Nos 1 & 2 : DR.P.B.VIJAY KUMAR

Counsel for the Respondent No.3 : --

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents in debarring the petitioner upto 2002 Main/Theory examinations vide memo dated 16-3-2002.

The facts in brief, which lead to filing of the present writ petition are that the petitioner a student of M.C.A course appeared for first year M.C.A examinations and passed in 5th, 7th to 9th papers. While studying second year M.C.A. course, petitioner appeared for 1st, 2nd and 6th papers of first year M.C.A. course. The respondents declared the results of second year course and did not declare the results of petitioner for the first year papers and issued memorandum dated 21-5-2001 to the effect that the petitioner in his first year examination has attached pre-written additional sheets to the main answer book and that the presentation of main book-let and additional book lets were entirely different, answer script answered with different ink and not signed by the invigilator and petitioner was called upon to submit his explanation. The petitioner submitted his explanation denying the charges and also appeared before the Committee on Misconduct at University on 15-3-2002. Thereafter, the committee passed the impugned order dated 16-3-2002 debarring the petitioner up to 2002 Main /Theory examinations. Questioning the said proceedings, the present writ petition is filed.

A counter affidavit was filed on behalf of second respondent stating that the petitioner has conducted a malpractice and the matter was referred to the committee on misconduct. The Committee after careful consideration of the explanations given by the petitioner and answer script of the candidate, observed that the petitioner was involved in malpractice and recommended to debar the candidate up to 2002 main

examinations and permitted him to appear for examinations in 2003 or thereafter as per Standing Orders of Syndicate vide chapter

VI-A and communicated the same to the petitioner vide proceedings dated 16-3-2002, impugned in the present writ petition.

Today, when the matter is taken up, learned Standing Counsel for respondent University, produced the record including the answer sheets of the petitioner. It is seen from the original record that petitioner has answered two questions in main sheet, which are incomplete and he has written all the answers in the additional sheets only. It is surprising to note that with regard to question No.2, half of the answer was written in the main sheet and same is reproduced in the additional sheet also. It is also observed that the additional sheet does not contain signature or initials of the Superintendent or Invigilators. Taking all these aspects into consideration, the committee, which is an expert body, has taken a decision and awarded punishment, which cannot be interfered into by this Court. At this stage, learned counsel for petitioner submitted that subsequently, the petitioner has appeared for the examination and completed the course.

There are no merits in the writ petition, accordingly, the same is dismissed. No costs.

N.V.RAMANA,J

30-06-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

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Visakhapatnam.
- 2 The Registrar, Andhra University,

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- 3 The Principal, Rajaha R.S.R.K.Ranga Rao College,
(P.G.Centre), Bobbili,
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